

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBORAH ENDERBY,

Plaintiff,

-against-

MEMORANDUM AND ORDER

Case No. 19-cv-3459 (FB) (RER)

FORSTER & GARBUS, LLP, et al

Defendants.

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BLOCK, Senior District Judge:

Magistrate Judge Reyes issued a Report and Recommendation (“R&R”) recommending that this action be dismissed without prejudice for failure to prosecute. No objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R, so the Court adopts it without de novo review. Accordingly, the Clerk shall enter judgment in favor of the defendants.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 2, 2020